

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated June 22, 2010 has been received and its contents carefully reviewed.

By this Amendment, claims 10 and 58 are amended. Claims 4, 9, 11, 13-14, 17, and 21-57 were previously canceled. Accordingly, claims 1-3, 5-8, 10, 12, 15-16, 18-20, and 58-63 are pending of which claims 1-3, 5-8, and 12 are withdrawn from consideration.

Claims 10, 15, 16, 18-20, and 58-63 are rejected under 35 U.S.C. § 112, first paragraph, as not complying with the written description requirement. Claim 10 and 58 are now amended to obviate the rejection.

Claims 10, 15, 16, 18-20, and 58-63 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. App. Pub. No. 2003/0103521 to Raphaeli ("Raphaeli") in view of U.S. Patent No. 6,718,159 to Sato ("Sato"). The rejection is respectfully traversed.

Claim 10 recites, among other features, that if the transmission medium is idle during the predetermined time interval, obtaining a competitive window based on a priority. The Office Action at page 4 asserts that Raphaeli discloses this feature by relying on Fig. 20A, ref.: 202 CW=CWMin and paragraphs [0215] and [0258]. Applicants respectfully disagree.

Contrary to the assertion made in the Office Action, Raphaeli does not disclose or suggest that the competitive window is based on priority. Rather, Raphaeli discloses that the size of the contention window (which the Office Action has associated with the claimed "competitive window") is adapted using a number of stations estimated to be transmitting on the channel in the same priority class. See paragraph [0225]. Thus, what Raphaeli discloses is that the contention window is determined based on the estimated number of stations and is not based on a priority, as required in claim 10.

Further, claim 10 recites that if the transmission medium is not idle during the transmission delay time, performing an adjusting operation, wherein the adjusting operation

comprises incrementing a retry-count, and incrementing the maximum value of the competitive window by a predetermined shifting value, wherein the retry-count indicates how many times the message packet is tried to be transmitted.

The Office Action at page 5 asserts that Raphaeli discloses these features relying on Fig. 20B, ref.: 232 and paragraph [186]. However, Applicants respectfully disagree.

As disclosed in paragraph [0215], Raphaeli discloses that the size of the contention window is adjusted as described in Section 6.4. In Section 6.4, and in particular, paragraphs [0225]-[0242], Raphaeli discloses that adjusting the size of the contention window is based on a formula having many variables. However, that is not what is recited in claim 10. Claim 10 recites that the adjusting operation comprises incrementing a retry-count, and incrementing the maximum value of the competitive window by a predetermined shifting value, wherein the retry-count indicates how many times the message packet is tried to be transmitted. Raphaeli simply does not teach or suggest the above-noted features recited in claim 10.

Further, claim 10 recites that the adjusting operation comprises incrementing a retry-count, and incrementing the maximum value of the competitive window [based on a priority] by a predetermined shifting value, wherein the retry-count indicates how many times the message packet is tried to be transmitted. In other words, the size of the competitive window is changed based on the priority and the retry-count.

Such is not the case in Raphaeli. As disclosed in paragraph [0215], Raphaeli discloses that after a number retries less than RTS/RZ_first_retry (step 220) the size of the CW is adjusted as described in Section 6.4. In other words, the number of retries is a not factor for changing a size of the window. The size of the window, in fact, is changed based on the formula set forth in Section 6.4 which is covered by paragraphs [0225]-[0242] and does not include a number of retries as a factor.

Finally, claim 10 recites the message packet includes a start indicating field indicating a start of the message packet, a length field specifying a length of the message packet, and an end indication field indicating an end of the message packet, and wherein when the message packet is transmitted to the target device, the target device determines a transmission of the message packet is failed if the end indication field is not received by the target device.

Nowhere in Raphaeli does it disclose or suggest the above-noted features of claim 10.

Sato does not compensate for the deficiencies of Raphaeli. The Office Action at page 5 uses Sato to disclose a predetermined time interval determined regardless of priority.

Accordingly, claim 10 recites patentable subject matter. Claim 58 recites similar subject matter and thus, is patentable at least for the reasons as discussed with respect to claim 10.

Claims 15, 16, 18-20, and 59-63 are patentable at least by virtue of their dependency from respective claims 10 and 58.

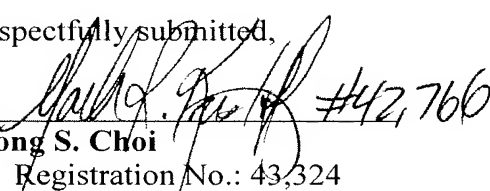
The foregoing amendments place the application in condition for allowance. Early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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